

REMARKS

For the sole purpose of examining the claims herein, Applicants request that U.S. Patent Application Serial No. 09/322,211, filed May 23, 1999, parent to the present continuation-in-part application and now abandoned, be considered as prior art except as to subject matter common to both applications which, therefore, enjoys the effective filing date under 35 U.S.C. 120 of May 23, 1999. A copy of the application is not submitted herewith in accordance with the provisions of 37 CFR 1.98(d)(1). PTO Form 1449 is submitted under separate cover. All applicable presumptions and reservations pertinent to an information disclosure statement are incorporated herein.

New claim nos. 32 to 93 have been added so that these claims relate back to the matter disclosed in U.S. Patent Application Serial No. 09/322,211, filed May 23, 1999, parent to the present continuation-in-part application and now abandoned, and therefore benefit from the filing date of the parent application.

New independent claims 32, 45, and 52 include the term "aluminosilicate." This term has been determined to be the most appropriately descriptive of the material disclosed. Formal support for the use of this term can be found in the present continuation-in-part application at page 10, lines 20 et seq. Further, one skilled in the art would recognize a material with the chemical composition described at page 11, lines 9-17, as an aluminosilicate. For priority support, one skilled in the art would also recognize the material described in U.S. Patent Application Serial No. 09/322,211, filed May 23, 1999, parent to the present continuation-in-part application, at page 11, lines 5 to 8, and page 13, lines 3 to 13 as being aluminosilicate.

New independent claims 32, 39, 45, 52, 59, 66, 73, 80 and 87 include the recitation that "wherein the [aluminosilicate, formulation, or material] is in a quantity of less than about 2% by weight of the composition." This recitation is directed to the aspect of the invention focused on in this application. It has been observed that about 2% is the upper limit for the recited material to have its desired effect in the context of the combinations claimed. Specifically, the additive transitions from reducing viscosity at weight percentages below about 2% to raising viscosity at weight percentages above about 2%. Other uses may exhibit variations in this transition which is not of immediate concern in the present claim set.

New independent claims 59 and 66 incorporate the terms silicon dioxide and aluminum oxide. Formal support for these claim terms can be found in the present continuation-in-part application at page 11, lines 9-17. Priority support is found in U.S. Patent Application Serial No. 09/322,211, filed May 23, 1999, parent to the present continuation-in-part application, at page 13, lines 3 to 13.

New independent claim 80 deletes the lower limit for the amounts of both cristobalite and aluminum oxide required in the material. On the other hand, new independent claim 87 retains the lower limit of at least 10% for both cristobalite and aluminum oxide.

The foregoing has been undertaken with the requirements for adequacy of disclosure as provided by the parent application well in mind. The claims are understood to be appropriately supported and novel in scope. Therefore, entertainment of the foregoing amendments is requested and a notice of allowance is earnestly solicited.

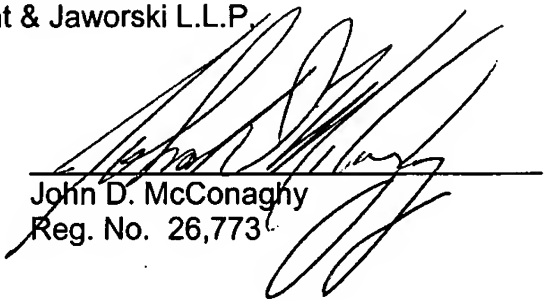
Respectfully submitted,

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